

PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 1 – OWNER’S RESPONSIBILITIES SUPPLEMENTAL

- 1.0 This is a supplemental list of Owner’s responsibilities and shall be used in conjunction with Part A – Chapter 8.
- 2.0 For any Capital Improvement Project for which architectural/engineering professional services are obtained through the State Building Advisory Commission (SBAC), the Owner will provide the following:
 - 2.1 For large projects, submit Form 001 – Advertisements, Form103 – A/E Services Fee Checklist, Form 935 – DCC Project Number / Data Request and the Program.
 - 2.1.1 The program/scope of work is to include an overall project budget, itemized to include updated construction estimate, construction contingency, miscellaneous costs, line item costs (hazardous abatement, equipment, furniture, furnishings, telecommunications, demolition) and a design and construction schedule.
 - 2.2 For on-call architectural or engineering services, respond to e-mail regarding the expiration of current service contracts or send e-mail to professional.qualifications@da.ks.gov if requesting additional services. When requesting services, the following must be provided:
 - 2.2.1 Indicate discipline of the required on-call service.
 - 2.2.2 Indicate the number of firms to be hired.
 - 2.2.3 Indicate the location if the agency has multiple campuses.
 - 2.3 The Owner is to provide the program for large projects that are subject to Part B – Chapter 3.
 - 2.3.1 SBAC has defined programming services as a specialty service. If an Owner does not want to prepare the program for a large project, the Owner shall advertise for firms interested in providing programming services per Part B – Chapter 2.
 - 2.3.1.1 Firms hired for architectural or engineering on-call contracts may provide programming for projects under the \$1,000,000 construction cost limit.
 - 2.4 Designate the Owner’s Negotiating Committee members and indicate the Owner’s representative who will be the sole point of contact for DCC and the Project Architect/Engineer.
- 3.0 The Owner will participate in interviewing the nominated firms per [K.S.A. 75-1256](#).
- 4.0 The Owner will participate in the negotiating of fees for the selected firm, providing answers to questions and updating information as needed. (Reference Part B – Chapter 3)
- 5.0 The Owner will apprise DCC and the Project Architect/Engineer of changes in the project funding.
 - 5.1 On large projects, should the project funding be reduced or increased, the Owner will notify DCC and ask the Negotiating Committee for approval in the change in scope. Once approved, the Negotiating Committee will negotiate fair compensation for work completed to date and will negotiate a new fee in accordance with the reduced or increased budget **and** reduced or increased scope of work.
 - 5.2 On small projects, should the project funding be reduced or increased, the Owner will notify the Project Architect/Engineer, compensate the Project Architect/Engineer for work completed to date

and negotiate a new fee in accordance with the reduced or increased budget **and** reduced or increased scope of work.

- 6.0 The Owner's representative will be responsible to coordinate the Owner's participation in the project.
- 7.0 The Owner will provide DCC with applicable copies of studies, investigations, tests, and/or inspections for distribution to nominated firms prior to interviews.
 - 7.1 Examples of such information are structural and/or mechanical investigations; chemical, air and water pollution, and/or environmental tests; and hazardous materials reports.
 - 7.2 When information required for the project is not available, an appropriate firm will be selected by the Owner or by DCC from the list of technical ancillary services providers during the course of the project.
- 8.0 If required, the Owner will furnish DCC and the Project Architect/Engineer with a current survey and geotechnical information describing physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site as required. If the Owner cannot provide a current survey of the property, a surveyor will be selected from the list of ancillary technical services providers, on file with DCC. Such services will include, but are not limited to: test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials and ground contamination. See requirements for obtaining ancillary services.
- 9.0 Ancillary services are to be provided by the following: qualified Owner employees, by the Project Architect/Engineer or from DCC Ancillary list. See Part B – Chapter 2 for definition of ancillary services.
 - 9.1 If ancillary services are provided by the Project Architect/Engineer under contract for a large project, Owner is to request an additional fee proposal from the firm and forward to DCC Negotiating chair. The proposal will be processed and contracted per Part B – Chapter 3, Section 8.
 - 9.2 If ancillary services are provided by an on-call Architect/Engineer, the Owner may negotiate and contract directly with the firm. For Owners without licensed staff Architect/Engineer, the Owner may request DCC to assist with defining the scope of work or fee negotiation.
 - 9.3 If the ancillary services are provided by DCC Ancillary list, the Owner is to contact DCC for a list of available firms and their contact information.
 - 9.3.1 For an Owner without a staff licensed architect or engineer, the Owner may request their project Architect/Engineer, on-call Architect/Engineer or DCC Construction and Compliance Architect/Engineer to assist with defining the scope of work. Owner shall forward fee proposal to DCC and DCC will coordinate the contracting of the ancillary service.
 - 9.3.2 For an Owner with a staff licensed architect or engineer, the Owner, may negotiate and contract directly with the firm.
- 10.0 If the project is a renovation or addition, the Owner will provide the Project Architect/Engineer with all available plans, specifications and other historical documentation. If the project is a renovation, the Owner will designate all items to be salvaged and the location(s) for storage of those items.
- 11.0 The Owner will provide the Project Architect/Engineer access to the premises as scheduled with the Owner.
- 12.0 The Owner will designate the Contractor's staging area to be used during construction.

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- 13.0 The Owner will provide approvals and decisions as expeditiously as necessary for the orderly progress of the Project Architect/Engineer's services and provide prompt responses to questions and inquiries during the construction of a project.
- 14.0 The Owner will define all work to be done by in-house forces before and during the construction of any project.
- 15.0 Owner is responsible to ensure Project Architect/Engineer is providing submittals to DCC.
- 16.0 The Owner will ensure that all back-up data for change orders is attached to the change order prior to distributing to DCC.
- 17.0 On projects where DCC is not providing full services, the Owner is responsible for reviewing the record documents for changes.
- 18.0 Within nine months after official acceptance of a project, the state agency for which the project was completed and DCC shall conduct a full inspection of the completed project and shall promptly notify the appropriate Contractor of any claims resulting therefrom. ([K.S.A. 75-1262\(d\)](#))
- 19.0 The Owner shall complete an A/E Evaluation – DCC Form 605 at the completion of construction, as outlined in Part A – Chapter 8.
 - 19.1 The form shall be submitted as directed on the respective form.
 - 19.2 The form will be forwarded to the firm for their records.
 - 19.3 A/E Evaluations are used by the State Building Advisory Commission (SBAC) and Negotiating Committees.
- 20.0 If an Owner wants to obtain construction services for Construction Management at Risk outlined in Part B – Chapter 7, the following process will apply.
 - 20.1 The Owner is to contact DCC to request a Public Hearing in front of the SBAC.
 - 20.2 The Owner shall submit written justification at least 10 days prior to the SBAC scheduled hearing date. DCC will advise Owner of the hearing date and written justification deadline. The criteria used by SBAC in evaluating the justification is outlined in Part B – Chapter 7.
 - 20.3 The Owner will be required to provide a presentation to the SBAC per Part B – Chapter 7 and be prepared to answer questions pertaining to their justification at the public hearing.
 - 20.4 Upon SBAC Approval of Alternate Delivery Method, DCC will prepare an advertisement for solicitation of qualifications from contractors. DCC will use the description provided in the Form 001 submitted for solicitation of design services, unless directed otherwise by the Owner.
 - 20.4.1 The qualifications will be forwarded to SBAC for their action on pre-qualified firms. DCC will notify the Owner of the pre-qualified firms. This completes Phase I.
 - 20.5 For Phase II of this process, the Owner is to prepare and provide to DCC a request for proposal and a score sheet. The Owner is also responsible to identify the Contract to be used between the Owner and Contractor.
 - 20.5.1 The request for proposal for Phase II shall request all proposers submit a more in-depth response, including (as required by statute) but not limited to, the following information:
 - 20.5.1.1 Company overview;

- 20.5.1.2 Experience or references, or both, relative to the project under question;
 - 20.5.1.3 Resumes of proposed project personnel;
 - 20.5.1.4 Overview of preconstruction services;
 - 20.5.1.5 Overview of construction planning;
 - 20.5.1.6 Proposed safety plan;
 - 20.5.1.7 Fees, including fees for pre-construction services, fees for general conditions, fees for overhead, and profit and fees for self-performed work, if any.
 - 20.5.1.8 DCC recommends including in the proposal, a date for pre-proposal conference and a draft of the contract between the Owner and contractor.
 - 20.5.1.9 DCC and Owner will coordinate the date of pre-proposal conference (if desired by Owner), the deadline for questions from the Contractors, the deadline for answers from the Owner to the questions, and the closing date.
 - 20.5.1.10 The score sheet shall include the scoring criteria and weighing factors to be used during the Phase III selection process. The interview and the response to the request for proposal must be scored separately and additionally, the interview score shall not account for more than 50% of the total possible score by statute. DCC recommends the Owner provide sub-categories for the interview and request for proposal response.
- 20.6 The Owner will participate in interviewing, selection and negotiation of the firms.
- 20.7 Once a firm is selected, the Owner shall prepare the contract between the Owner and Contractor.
- 20.8 Owner is to complete Contractor evaluation form per Part A – Chapter 8.
- 21.0 Processes for the procurement of Design-Build per the Alternate Delivery Method Services (Part B – Chapter 7) have not been outlined at this time. Owner is to contact DCC if this selection process is desired.

END OF CHAPTER